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5 IN THE UNITED STATES BANKRUPTCY COURT  
6 FOR THE DISTRICT OF ARIZONA  
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8 In Re

9 GTI CAPITAL HOLDINGS, L.L.C., an  
10 Arizona limited liability company dba  
11 ROCKLAND MATERIALS,

12 Debtor.  
13

14 GRANT H. GOODMAN and TERI B.  
15 GOODMAN, husband and wife (as  
16 Guarantors-Sureties for GTI Capital  
17 Holdings, LLC, G.H. Goodman Invest. Co.,  
18 LLC (Arizona limited liability companies)  
19 West Highland Water & Power, LLC (a  
20 Delaware limited liability company);  
21 Plaintiff,  
22

23 v.  
24 CALIFORNIA PORTLAND CEMENT  
25 COMPANY (a California corporation, dba  
26 Arizona Portland Cement Company);  
27 BOMBARDIER CAPITAL, INC., EMPIRE  
SOUTHWEST, LLC (a Delaware limited  
liability company); COMERICA BANK (a  
Texas-Michigan Banking Corp.); David M.  
Reaves, Esq. (Trustee); Michael W. Carmel,  
Ltd., (Trustee Special Counsel); John R.  
Clemency, Esq. (lead counsel-joint defense  
w/CPCC, BCI, Empire S.W. Comerica  
Bank, G.E. Capital/CitiCapital  
Technologies); LEWIS & ROCA LLP;  
GREENBERG TRAURIG, LLP.

In Proceedings Under Chapter 7

Case No. 2:03-bk-07923-SSC

Adv. No. 08-ap-00464  
Adv. No. 08-ap-00471  
(consolidated)

**ORDER INCORPORATING  
MEMORANDUM  
DECISION DATED NOVEMBER 19,  
2008 AND SETTING HEARING**

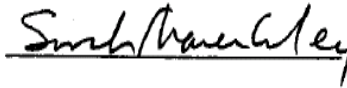
1 Based upon this Court's Memorandum Decision dated November 19, 2008, which  
2 is incorporated herein by reference:

3 **IT IS ORDERED** that the Dismissal Order concerning the Independent Actions  
4 is amended for the Court to hear and determine the Defendants' requests for attorneys' fees and  
5 costs under Fed. R. Civ. P. 37 (a)(5)(B).

6 **IT IS FURTHER ORDERED** that the Court will set a further hearing on the  
7 matter on **December 9, 2008, at 1:30 p.m** in Courtroom 701, United States Bankruptcy Court,  
8 230 N. First Avenue, 7th Floor, Phoenix, Arizona 85003. Any response to one or more of the  
9 Request for Attorneys' Fees shall be served and filed at least fourteen (14) days prior to the  
10 hearing date. Replies, if any, shall be served and filed at least seven (7 ) days prior to the hearing  
11 date.

12 **IT IS FURTHER ORDERED** directing the Clerk's Office to provide immediate  
13 notice of this Order to all interested parties.

14  
15 DATED this 19<sup>th</sup> day of November, 2008.

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19 The Honorable Sarah Sharer Curley  
20 United States Bankruptcy Judge  
21

22 BNC TO NOTICE  
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